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ANTHONY J. POPE, ESQ.
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June 30, 2008

VIA FACSIMILE 212-805-6304 ONLY

The Honorable Paul A. Crotty
United States District Judge
United States District Court
Southern District of New York
600 Pearl Street, Room 735
New York, New York 10007

Re: United States of America v. Andy Rossi
08 Cr. 158 (PAC)

Dear Judge Crotty:

As Your Honor is aware this firm represents Andy Rossi with regard to the above captioned matter. Please be advised that this letter is to request Your Honor's consent for my client to be allowed to travel on vacation with his family on Friday, July 11, 2008 to Milan Malpensa, Italy and returning to the United States on Saturday, July 19, 2008. (See attached itinerary). In the past Mr. Rossi has been permitted to travel without incident and with the approval of the government. Please be advised that Jeffrey A. Brown, AUSA has not consented to this trip. Mr. Rossi has conferred with Pre-Trial Services of New Jersey regarding the trip and it has consented. Please confirm with my office if said vacation has been granted.

Thank you for Your Honor's immediate attention.

Respectfully yours,
PICILLO CARUSO POPE EDELL PICINI, P.C.

BY ANTHONY J. POPE

AJP:ym

Cc: Jeffrey A. Brown, AUSA (via facsimile 212-637-2390 only)
Mr. Andy Rossi

July 1, 2008
On light of the pending motion to dismiss, the difficulties in extradition from Italy, and not allowing the previous representation to allow travel outside the United States, this request to honor to Italy for is DENIED so ordered Paul A. Crotty, U.S.D.

July 11 to 19, 2008

MEMO ENDORSED

MEMO ENDORSED



TRAVEL 15 LTD CORP

PHONE: 973-228-3033

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Itinerary

LISA ROSSI, ANDREW ROSSI

Reservation code: LMHIDJ

Fri, Jul 11

Flights: CONTINENTAL AIRLINES, CO 0044

From: NEWARK, NJ (EWR)

Departs: 5:50pm

Fri, Jul 11

To: MILAN MALPENSA, ITALY (MXP)

Arrives: 8:05am

Sat, Jul 12

Departure Terminal: TERMINAL C

Duration: 8 hour(s) and 15 minute(s)

Arrival Terminal: TERMINAL 1

Class: Economy

Seat(s): Check-In Required

Status: Confirmed

Notes:

Gate:

Aircraft: BOEING 767-400 JET

Meal: Dinner

Mileage: 4013

Smoking: No

Frequent Flyer:

Please verify flight times prior to departure

Sat, Jul 19

Flights: CONTINENTAL AIRLINES, CO 0043

From: ROME FIUMICINO, ITALY (FCO)

Departs: 2:00pm

To: NEWARK, NJ (EWR)

Arrives: 5:50pm

Departure Terminal: TERMINAL 5

Duration: 9 hour(s) and 50 minute(s)

Arrival Terminal: TERMINAL B

Class: Economy

Seat(s): Check-In Required

Status: Confirmed

Notes:

Gate:

Aircraft: BOEING 767 JET

Meal: Lunch

Mileage: 4280

Smoking: No

Frequent Flyer:

Please verify flight times prior to departure

Notes:

TRAVEL 15 MAY NOT BE NOTIFIED OF SCHEDULE CHANGES
PLEASE RECONFIRM FLIGHT TIMES DIRECTLY WITH AIRLINE

TRAVEL 15 OFFICE HOURS MON-THURS 830A-6P/FRI 830A-530P



"Brown, Jeffrey (USANYS)"
<Jeffrey.Brown3@usdoj.gov>
07/01/2008 10:19 AM

To <Marlon_Ovalles@nysd.uscourts.gov>
cc <abartell@pope-firm.com>, <apope@pope-firm.com>
bcc
Subject RE: U.S. v. Rossi, Case Number 1-08-158 (PAC)

Marlon –

The main reason is risk of flight and the difficulties of Italian extradition. I had permitted Mr. Rossi to travel in the past primarily because there was a posture of cooperation between the parties; I had had discussions with Mr. Pope that gave me the firm belief that Mr. Rossi was going to acknowledge his guilt and resolve the case and put this behind both parties, and based on those discussions I tried to be generous about permitting Mr. Rossi to travel. However, recently the posture between the parties has changed, it has become clear that Mr. Rossi does not intend to acknowledge his guilt, and, in fact, Mr. Pope has submitted a motion on Mr. Rossi's behalf seeking to dismiss the indictment for lack of probable cause, signaling a sea change from his past indication of an intention to plead guilty.

In light of this 180 degree turn in acceptance of responsibility, my current view is that Mr. Rossi has become a greater flight risk. On a more basic level, though, a request by an Indicted defendant released on bail with travel conditions limiting him to the tri-state area to travel to Europe is really an extraordinary request, and consent would be granted by the Government only in extraordinary circumstances. For example, I recently – and with some concern -- consented to a request by a defendant to travel to Canada to have a final visit with his dying grandmother in a terminal care hospital there. A vacation simply doesn't present the kind of extraordinary circumstances that would make us consider granting the request.

Lastly, we don't believe that the Government's past generosity – and we believe that our consenting to Mr. Rossi's many requests to travel was indeed generous – is something that should be held against us or somehow estops us from not consenting to the current request.

I hope that answers the Judge's questions – let me know if not.
Thanks
Jeff

From: Marlon_Ovalles@nysd.uscourts.gov [mailto:Marlon_Ovalles@nysd.uscourts.gov]
Sent: Tuesday, July 01, 2008 9:44 AM
To: Brown, Jeffrey (USANYS)
Cc: abartell@pope-firm.com; apope@pope-firm.com
Subject: Re: U.S. v. Rossi, Case Number 1-08-158 (PAC)

Jeff,

Hope all is well. Judge Crotty would like to know your response for opposing the travel request made by Mr. Rossi. Thanks.